IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4039 OF 2006

Rakesh C. Gurav ...Applicant

v/s

The State of Maharashtra ...Respondents

Mr R.K. Bharuka for Applicant.

Mr P.A. Pol, APP for Respondents.

CORAM : S.C. DHARMADHIKARI J.

DATE : 17TH NOVEMBER 2006.

P.C. :-

1. This application for bail is preferred by the applicant - original accused No.4 in C.R. No.95 of 2004 registered at Pantnagar Police Station, Ghatkopar (East), Mumbai. The offences alleged are forgery and cheating.

2. It is not disputed that the present application is maintainable because the earlier bail granted was cancelled by this Court.

3. The applicant has pointed out that the bail was cancelled without him being known that the case was transferred from the Esplanade Court to Bellard Pier. Even the Advocate has not informed him. It is in such circumstances that the application for cancellation of bail was made and the same was allowed by this Court.

4. Mr Bharuka appearing for applicant tenders an affidavit in which the applicant undertakes to regularly attend the Court where the case is pending. He has undertaken to remain present on all dates unless exempted. He has further stated that his permanent residential address is of Virar Road, Nalasopara as set out in paragraph 6 of the affidavit and that he would

give prior intimation to the Investigating Officer before shifting the residence. He has also stated that he resides at this address and has a ration card. It is in such circumstances and facts peculiar to the applicant that I am inclined to enlarge him on bail.

5. Hence, following order :-

i) The applicant arrested in connection with C.R. No.95 of 2004 registered with Pantnagar Police Station, Ghatkopar (East), Mumbai shall be enlarged on bail in the sum of Rs.5,000/- with one or two local sureties in the like amount.

ii) The bail is granted subject to the condition that the applicant shall not enter the limits of Pantnagar Police Station so also the factory premises of the complainant's factory. The applicant to report once in a week to the nearest Police Station till the conclusion of the trial on every Saturday between 7.00 p.m. and 9.00 p.m.

iii) The order of bail will be given effect only after the applicant furnishes to the Investigating Officer the details about his

place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating Officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed off in above terms.

viii) Parties to act on an authenticated copy of this order.